REMARKS

Claims 4-6, 13-15 and 22-24 are pending in the application. Claims 1-3, 7-12, 16-21 and 25-27 have been cancelled in a Preliminary Amendment.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 4-6, 13-15 and 22-24 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,188,792 to Chujoh ("Chujoh").

In one embodiment of the present invention, a video compression method is provided where a processor is used to compress raw video image data. When a frame is ready to be supplied to a video compressor, a new target frame rate (TFR) is computed based on the processor usage. For example, processor usage may be determined by comparing the amount of time taken to compress the current video frame ("CurrentCompressTime") to the target frame period ("MaxTimePerFrame"). The target frame period is equal to the inverse of the target frame rate. If, for example, the CurrentCompressTime is greater than the MaxTimePerFrame by 20%, then it is assumed that the processor is limited in its ability to compress video data (i.e., the processor cannot compress frames fast enough for the current target frame rate). To compensate, the target frame rate is reset based on the CurrentCompressTime.

Claims 4 and 13 refer to compressing video frame data using a processor, determining whether the processor is limited in its ability to compress video image data, and adjusting a target frame rate based on a current amount of time taken to compress the video image data. Claim 22 includes similar limitations for a video image compression system. Such features are neither shown nor suggested by Chujoh.

In Chujoh, the description at Col. 6 and 7 and Fig. 1 refer to an encoding control circuit 116 that controls an encoder 117. The encoder outputs encoded frame data to a variable length encoder 113 that stores the encoded data in an output buffer 115 via multiplexer 114. As shown in Fig. 1 and at Col. 6, lines 59-65, the encoding control circuit 116 receives three inputs, the encoding bit rate, the encoding frame rate, and "a delay time permitted for the output encoded data from the output buffer 115." Thus, the delay time refers to the delay in buffer 115's ability to output data to a transmission channel. Looking at Col. 7, lines 10-17, the delay time is computed by taking the peak buffer capacity when the frame is completely encoded (i.e. after the frame is encoded by elements 117 and 113) and dividing that value by the encoding bit rate (i.e.,

the rate at which date is pulled from the output buffer 115 (see Col. 6, lines 60-61). The higher the encoding bit rate, the lower the delay time. Conversely, a lower encoding bit rate indicates a higher delay time. Due to the inability of the output buffer to output data to the communications channel, the controller 116 takes actions to lower the amount of data generated by elements 117 and 113 (e.g., skipping more frames) (see, Col. 7, lines 32-36). As stated above, claims 4, 13, and 22 each refer to a determination of whether the processor is limited in its ability to compress video image data. No such determination in Chujoh is taught or suggested. Instead, Chujoh focuses on problems associated with the transmission medium and not the processor that encodes the date. In view of the above, reconsideration and withdrawal of the rejection of claims 4-6, 13-15 and 22-24 under 35 U.S.C. § 102(e) is respectfully requested.

CONCLUSION

In view of the above remarks, the Applicant respectfully submits that the present case is in condition for allowance and respectfully requests that the Examiner issue a notice of allowance for all currently pending claims.

The Office is hereby authorized to charge any fees determined to be necessary under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Kenyon & Kenyon **Deposit Account No. 11-0600**.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application.

Respectfully submitted,

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